

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office MAR 14 1997

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAR 14 1997

The applicant George Benesch & Merrie Benesch, hereby makes application for permission to change the Place & Manner of Use of a portion of water heretofore appropriated under Claim No. 72 of the Truckee River Decree, said Decree entered by the District Court of the United States for Nevada in that certain action entitled, "The United States of America, Plaintiff vs. Orr Ditch Company, et al., Defendants, in Equity Docket A-3."

1. The source of water is Truckee River
2. The amount of water to be changed 0.0256 CFS not to exceed 7.976 Acre-feet/year
3. The water to be used for Recreation & Wildlife
4. The water heretofore permitted for As Decreed
5. The water is to be diverted at the following point NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T.19N., R.18E., M.D.B.&M. or at a point from which the SE corner of said Section 31 bears S 62° 04' E a distance of 3,195.0 feet. (Steamboat Ditch)
6. The existing permitted point of diversion is located within Same as proposed
7. Proposed place of use 3.07 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.09 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T.18N., R.19E., M.D.B.&M. The total acreage is 4.16 acres (APN 230-091-01 & 230-091-02)
8. Existing place of use 1.994 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T.18N., R.19E., M.D.B.&M. (APN 040-712-09)
9. Use will be from As Decreed to As Decreed of each year.
10. Use was permitted from As Decreed to As Decreed of each year.
11. Description of proposed works Existing small ditch from Steamboat Ditch, headgate & a series of small ponds.
12. Estimated cost of works \$30,000
13. Estimated time required to construct works 1 year
14. Estimated time required to complete the application of water to beneficial use 2 years
15. Remarks: The water will flow through a series of ponds for recreational and wildlife/fish propagation purposes.

By s/Chris C. Mahannah
Chris C. Mahannah, P.E., Agent
P. O. Box 9066
Reno, NV 89507

Compared my/cms cl/cms

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use and manner of use of a portion of the waters of the Truckee River as heretofore granted under Claim No. 72, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0256 cubic feet per second, but not to exceed 7.98 acre-feet annually, and not to exceed a decreed duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

September 3, 1998

Proof of completion of work shall be filed before:

October 3, 1998

Application of water to beneficial use shall be filed on or before:

September 3, 2000

Proof of the application of water to beneficial use shall be filed on or before:

October 3, 2000

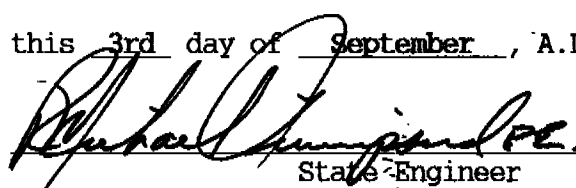
Map in support of proof of beneficial use shall be filed on or before:

October 3, 2000

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,
State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 3rd day of September, A.D. 1997


State Engineer

Completion of work filed AUG 19 1998

Proof of beneficial use filed OCT 28 1998

Cultural map filed OCT 28 1998

Certificate No. 15133 Issued JAN 25 1999